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FISCAL IMPACT STATEMENT

LS 7025

BILL NUMBER: HB 1284

NOTE PREPARED: Jan 7, 2012

BILL AMENDED:

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Rep. Richardson

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Original Signatures on Petition of Nomination-* The bill provides that a petition of nomination filed with a county voter registration office must contain the original signatures of voters, and not photocopies or other reproductions of signatures.

Vote Center Plans- The bill permits county vote center plans to use other titles to designate precinct election officials (rather than inspector, judge, poll clerk, assistant poll clerk, or election sheriff). The bill provides that the county vote center plan must specify which precinct election officer is to perform a duty required of a precinct election officer by the election code.

Incomplete Application- The bill defines when a voter registration application is incomplete.

Military & Overseas Voters- The bill amends late registration procedures for military and overseas voters.

Transmit Absentee Ballot- The bill requires a county election board to transmit an absentee ballot to a military or overseas voter whose application requesting that an absentee ballot be sent by electronic mail is approved.

Subscription Expiration- The bill provides that the subscription of an entity to statewide voter registration file information expires on the first January 1 following payment of the annual fee.

Polling Place Lists- The bill amends the requirements concerning precinct polling place lists to update a reference to voter identification number and to add birth dates.

Vote Center Notices- The bill permits a vote center county to use notices mailed to the active voters of the county (or provided at the vote center) and presented at a vote center for the purpose of obtaining a voter's signature when casting a ballot (rather than having the voter sign a printed poll list).

Use of Electronic Poll Lists- The bill permits the county election board of a county that is not a vote center county to adopt an order to use electronic poll lists.

Inactive Voter Designation- The bill specifies procedures for designation of a voter registration record as "inactive" following the return of a 'postage paid' card to a county voter registration office.

Duplicate Registrations In Other States- The bill requires comparison of voter lists from certain neighboring states and others with the Indiana voter registration list to identify duplicate registrations.

Registration Record Cancellations- The bill establishes procedures for county processing of voter registration record cancellations.

Primary Vote History- The bill specifies how primary vote history is to be recorded when a voter does not mark the poll list to indicate a political party choice.

Write-In Candidate Ballot Instructions- The bill amends ballot instructions concerning write-in candidates.

Obsolete References- The bill removes obsolete references to ballots formerly printed by the Election Division.

Absentee Ballot Application Procedures- The bill amends absentee ballot application procedures.

In-Office Absentee Voting- The bill specifies that in-office absentee voting begins 28 days (rather than 29 days) before an election.

Satellite Voting Office Expiration- The bill provides that a resolution to establish a satellite voting office expires January 1 of the year immediately after the year in which the resolution is adopted.

Ballot Counting Rules- The bill updates certain ballot counting rules to refer to ballot card and direct record electronic voting systems.

Voting Mark Detection Standards- The bill specifies the voting mark detection standards that must be met for certification of a ballot card voting system.

Recounts- The bill revises State Recount Commission (SRC) contest and local recount procedures.

Vacant Office Requirements- The bill amends requirements for an individual seeking to be selected by a political party caucus to fill a vacant office.

Penalty for Forging- The bill specifies a penalty for forging a person's name on a petition of nomination or declaration of candidacy.

Transmit Voter Registration Applications by First Class Mail- The bill permits the Family and Social Services Administration (FSSA) and the State Department of Health (SDOH) to transmit voter registration

applications by regular first class mail. (Current law requires the use of certified mail, when mail is used.)

Repealers- The bill repeals superseded procedures relating to: (1) designation of voter registration agencies; (2) absent overseas and military voters; (3) administration of elections located in more than one county; and (4) sending orders of the state recount commission. The bill makes a technical correction.

Effective Date: Upon passage; July 1, 2012.

Explanation of State Expenditures: *Transmit Voter Registration Applications by First Class Mail-* This provision would save the FSSA and SDOH postage expense as first class mail (at \$0.37 per metered card) is less than the cost of certified mail (an additional \$2.85 per letter).

Recounts- The SRC would no longer have to grant inspection of electronic voting systems, if requested by the county election board. County election boards would be able to conduct their own inspections, authorized by unanimous vote of the board. County election boards would be able to inspect the machines after filing a notice of the authorization order with the Secretary of State.

The SRC would be given the authority to issue a notice of filing and pendency of a petition for recount instead of the Secretary of State. The SRC would have to send a notice of a recount order to each candidate or party chairman named in the petition, or the candidate's or chair's attorney. The notice would be suitably sent by email if the email addresses of the persons named in the petition are available. Otherwise, the SRC would have to send notice by certified mail, which would slightly increase state expenditures to cover the postage and printing.

State Police Provision- The Indiana State Police (ISP) would, in addition to other duties in a recount, as ordered by the SRC, would have to serve subpoenas, impoundment orders, discovery orders, and protective orders if so ordered by the SRC. The ISP would be able to carry out this provision if so ordered by the SRC within existing resources, given the ISP is already required to serve notices and other papers as directed by the SRC during a recount.

Penalty for Forging- A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,318 annually, or \$9.09 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: *Subscription Expiration-* Copies of the statewide voter registration list are available from the Election Division, with an annual fee of \$5,000. The bill places the expiration date of the subscription on January 1 following payment. This provision may slightly affect the timing of subscription fees being received by the Election Division during the first year of implementation. The provision would likely shift the renewal by subscribers to just after January 1 of a given year, to assure the subscriber receives a complete year of updates of voter registration information from the Election Division.

Penalty for Forging- If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Summary-* The bill would increase the administrative duties of local election officials including: county election boards, voter registration officials, and precinct election board officials. The following provides more detailed description of the main additional responsibilities and expenditures required by the bill.

Inactive Voter Designation/Registration Record Cancellations- Election officials would have to adhere to the procedures required in the bill. They may require additional administrative time to accomplish these provisions.

Transmit Absentee Ballot- This provision would likely require minimal additional time to approve and send ballots overseas by email.

Voter Registration Application Forms- Precinct election officials would have to provide a voter registration form to an individual arriving to vote that there is no record of them being registered to vote. The county election board would have to make extra copies of the forms available for precinct election boards.

Vote Center Notices- This provision would increase printing and postage expenditures by county voter registration offices. Expenditures would depend on the number of active voters within a county.

Use of Electronic Poll Lists- This provision would have two-fold impact. Initially, the county would have to purchase the equipment necessary for at least each polling place to have access to an electronic poll list. Secondly, counties that adopt the use of electronic poll lists would save in the long run on the printing of paper poll lists.

Information on an electronic poll list would have to be encrypted and placed on a dedicated private server to secure the connection between the county election board and polling places or satellite offices. The poll list would have to be able to allow a poll clerk to enter information on a voter to confirm whether the voter is eligible to vote or has already cast a ballot. The poll list would have to allow an “already voted” entry by the poll clerk. The list must be capable of uploading voter histories, have the ability to immediately transmit information to the polling places, and produce reports. Vote Center counties may need to update their electronic poll lists to comply with the bill. The expense to do so is indeterminable and would depend on whether their systems are able to currently comply with the above requirements.

Duplicate Registrations In Other States- Local NVRA officials would see an increase in administrative workload to accomplish this provision. The NVRA official would have to request a list from election officials in Florida, Illinois, Kentucky, Michigan, and Ohio, with the option of other states if the NVRA official determines there is reasonable probability that a significant number of individuals registered to vote in Indiana may also have registered in another state. If the lists were received, the NVRA official would use them to help with the maintenance of the voter list by determining if any possible duplicate registrations exist and report those findings to the county voter registration office. NVRA officials would be required to submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service.

Registration Record Cancellations- Authorization of cancellations sent electronically by a county voter registration office to another county office would not have to be sent by paper, although a paper version would have to be kept on file in the sending county for two years. This provision would save on postage expenditures.

In-Office Absentee Voting- This provision would primarily affect counties that have established satellite office absentee voter boards. The provision could have satellites operate one less day than current. Depending on the schedule, if a county has a satellite office open currently 29 days before the election, there would be a savings on staff expenditures at the satellite for one working day.

Voting Mark Detection Standards- It is likely this provision would not affect counties where their optical scan voting systems can currently mark within a circle, square, or oval, on the ballot. If the system does not, any impact to local expenditures would depend on the determination of certification of voting systems by the Indiana Election Commission to comply with this provision.

Penalty for Forging- If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Background Information- When selected as a pilot vote center county, Tippecanoe County paid \$10,750 for electronic polling software for their vote centers. The county was able to eliminate paper lists, which were estimated to cost \$1,782 to produce. The savings from Tippecanoe County no longer printing poll books would break even with the start-up cost of the poll book software within roughly six elections conducted by their vote centers.

Explanation of Local Revenues: *Recounts-* In a recount proceeding, the petitioners to the recount must supply a cash deposit or a bond to pay the cost of the recount. The minimum amount to be paid is \$100 in cash or bond. The bill requires that the maximum amount paid may not exceed the additional amounts specified under current law: \$10 per each precinct if ten or more precincts are recounted if the difference in outcome is less than 1% and \$100 per precinct if ten or more precincts are recounted if the difference in the outcome is more than 1%.

Penalty for Forging- If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Election Division, Election Commission, State Recount Commission, Indiana State Police, State Department of Health, Family and Social Services Administration, Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies; county election boards, precinct election boards, national voter registration officer.

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